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C O N F I D E N T I A L SECTION 01 OF 02 ISLAMABAD 005361

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SUBJECT: CODEL SPECTER'S MEETING WITH PRESIDENT MUSHARRAF

Classified By: Anne W. Patterson, for reasons 1.4 (b)(d)

¶1. (C) Summary. In a December 27 meeting with Codel Specter, President Musharraf outlined ongoing Pakistani efforts to fight extremism, expressed support for increased IMET funding, and defended his decision to impose a state of emergency. Senator Specter pressed for Pakistan to capture Usama bin Laden; Specter and Congressman Kennedy expressed concern about the continued detention of judges and the importance of an independent judiciary and free and fair elections. End summary.

¶2. (C) Senator Arlen Specter, Congressman Patrick Kennedy, Ambassador and Polcouns (notetaker) met December 27 with President Musharraf in his Islamabad residence. Musharraf was accompanied by General Shafkat and his new Private Secretary Mohsin Hafeez.

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¶3. (C) Senator Specter opened the meeting by noting the U.S. values the close bilateral relationship with Pakistan and appreciates Islamabad's support in the war on terror. He asked the President if he knew where Usama bin Laden as hiding.

¶4. (C) Congressman Kennedy noted that the recent conditions attached to U.S. military assistance should be seen only as a means to ensure that our funding is going where it needs to go--to help the Pakistani military fight the war on terror. The U.S. fully recognized that Pakistan has lost over 1,000 troops to extremists and we wanted to ensure transparency in funding so that the military could better do its job. Kennedy expressed strong support for the IMET program to build military relationships and promote democracy. He also said that many in the U.S. were concerned that the Pakistani elections would be rigged and asked how Musharraf planned to ease the transition to the new government.

¶5. (C) Musharraf expressed satisfaction that the bilateral relationship was now broader and more long-term than it had been in the past. There had been an unfortunate gap in IMET support during the Pressler amendment years but now "the sky is the limit" on how we should expand the program to improve military training and capabilities. Saying that conditions "do not go well here," Musharraf expressed concern that conditions placed on U.S. aid were seen in Pakistan as a lack of U.S. trust.

¶6. (C) Reimbursements for costs on the war on terror (note:

Coalition Support Funds) were analyzed and mutually agreed; there could be no question that the funds were getting to the military. Citing a previous concern about maintenance of the Pakistani Cobra helicopter fleet, Musharraf said that several months ago only one of 20 Cobras was operational. This was a serious problem as Pakistan needed these Cobras to fight air/ground operations against terrorists. The problem, he said, was that Pakistan was not as well organized about maintenance as they should have been, but it was not an issue of the money not going where it was intended. Musharraf said the Army now has taken action to correct the problem.

17. (C) On terrorism, Musharraf said that Pakistan was fighting al Qaeda and the Taliban, both in the tribal border areas and now into the settled areas of the country. They were suffering from a growing number of suicide bombings as well, and they traced the source of almost all these bombings to militant leader Baitallah Mehsud in Waziristan. Mehsud was providing training and logistical support for terrorists in Pakistan and across the border into Afghanistan. The Army had been engaging in tough action in Swat. Specter asked about bin Laden, and Musharraf replied that he could be in Bajaur Agency (in the Federally Administered Tribal Area), where government forces currently could not operate. Musharraf mused that if operations in Swat could be wrapped up, the Army might move to North and South Waziristan to eliminate Mehsud and then go on to Bajaur. There were approximately 100,000 troops in the area now; this was the result of shifting two divisions from the northern border. They were raising 12 wings of the Frontier Corps which should be equipped and ready to fight by December 31. But the Army was increasingly overstretched so the plans would take time to implement.

18. (C) Leading into a discussion of the state of emergency, ISLAMABAD 00005361 002 OF 002

Specter said that all people in public life were subject to both fame and ridicule, and he recognized that Pakistan was not the U.S. But imposing a state of emergency, arresting judges, restricting the media, and keeping the Chief Justice under house arrest were events that caused concern in the U.S. Our Supreme Court tells our President things he doesn't want to hear. An independent media and judiciary were important for democracy.

19. (C) Musharraf agreed that, technically, a free media and judiciary were important for a democracy. But Pakistan was not as stable as the U.S. If the choice was between disintegration and democracy, the integrity of the state had to come first. The Chief Justice was corrupt, he engaged in nepotism, and he interfered in cases for personal reasons. Then he went further and interfered on issues affecting the country and the economy, preventing privatization in one case from moving forward. Musharraf said he began hearing appeals from the Prime Minister, the police and other government officials asking to put a stop to the Chief Justice's politically motivated actions. At first, Musharraf said he made a blunder by not acting out of concern over criticism on human rights grounds. But eventually Musharraf filed a case of misconduct, as is legally outlined, with the Supreme Judicial Council and suspended the Chief Justice. Instead of allowing the Council to rule on the matter, the Supreme Court reinstated former Chief Justice Chaudhry, in violation of the procedures outlined in the Constitution.

110. (C) Musharraf stated that he imposed a state of emergency because the government was almost paralyzed, the law enforcement community was demoralized and the Court was letting terrorist go free. The Court had ordered the re-opening of the Red Mosque in Islamabad after the Army had been forced to launch a military operation to shut down terrorist activities there. The economy was suffering due to the Court's actions. Then the Court challenged the will of the National Assembly when it voted to re-elect Musharraf. The Court began hearing cases into Musharraf's eligibility

for re-election and the issue became increasingly politicized. The first bench was composed of seven judges; when it became clear to the Chief Justice that the verdict would support Musharraf, the bench was extended to nine and eventually eleven judges. Musharraf said before imposing the state of emergency he consulted with the military, the business community and the cabinet; all agreed the Chief Justice had to be stopped. Musharraf said his staff was preparing a full explanation in response to a letter he had received from the American Bar Association.

¶11. (C) Kennedy asked about the remaining detainees, and Musharraf said there were only a few still under house arrest. Yes, Musharraf volunteered, this included Aitzaz Ahsan, who had been released only to immediately start organizing lawyers' protests again; this was not acceptable, so Ahsan was re-arrested.

¶12. (C) Musharraf had another event to attend, but he closed the meeting by saying that his priority issues were fighting terrorism, maintaining economic growth and encouraging democracy. Democracy was the only way forward for the future and Pakistan must have free and fair elections.

¶13. (U) Codel Specter did not have an opportunity to clear this message.

PATTERSON